



October 28, 2013

Shawn Musgrave  
MuckRock News  
Dept MR 7062  
P.O. Box 55819  
Boston, MA 02205

**RE: FOIA Case No. 2014-FPRO-00046**

Dear Mr. Musgrave:

This responds to your Freedom of Information Act (FOIA) request, dated October 1, 2013, in which you seek access to Postal Service records. Specifically, you requested:

Any guidance, memo, protocol, directive or other document (or segment of another document) written by or for the Chief FOIA/Privacy Officer that provides departmental application of FOIA exemption 5 from 1990 to the day this request is processed.

Postal Service policies which implement the FOIA can be found in 39 Code of Federal Regulations, Part 265, and Handbook AS-353, Guide to Privacy, the FOIA, and Records Management. Both publications are available on our FOIA website at <http://about.usps.com/who-we-are/foia/welcome.htm>.

The FOIA, 5 USC §552, is a records and document statute. Identification of the record(s) desired is the responsibility of the requester. The FOIA (5 U.S.C. 552(a)(3)(A)) requires the requester to reasonably describe the records being sought. A description is considered reasonable if it permits an agency employee who is familiar with the subject area to locate the requested records with a "reasonable" amount of effort. It is the requester's responsibility to frame requests with sufficient particularity to ensure that searches are not unreasonably burdensome, and to enable the searching agency to determine precisely what records are being requested.

Your request is very broad in scope and involves records that are not indexed according to the subject of your request. Additionally, responsive records could potentially be located within multiple departments or offices throughout the country. Please be advised that, while we wish to fully cooperate in processing your request, your letter does not provide sufficient detail to allow for the ready identification and retrieval of the desired documents.

Accordingly, we will need more definitive information concerning the records you seek. For example, we need to know specifically which agency official(s) you are referring to when you stated in your letter "by or for the Chief FOIA/Privacy Officer." As background, the Chief Privacy Officer and the Chief FOIA Officer are separate positions with the Postal Service. The Postal Service appointed its first Chief Privacy Officer in 2000, and the Chief FOIA Officer was officially appointed January 2006. Prior to the establishment of these positions, Privacy Act and FOIA compliance fell under the purview of the Manager, Records Office. The Records Office has a reporting relationship to both the Chief Privacy Officer and the Chief FOIA Officer. You will also need to clarify what you mean by "departmental application" (i.e., pertaining to the USPS as a whole or to a specific component of the agency). Such a description will ensure responsible use of postal resources to satisfy your right to access while minimizing any assessable search costs to you.

Given that your request cannot be processed as formulated, we plan to take no further action and incur no chargeable costs to you unless we hear back from you. If we do not hear back from you within 30 calendar days from the date of this letter, we will administratively close out this request. After that date, you may submit a new FOIA/PA request. If you need assistance in reformulating your request, you may contact me at (202) 268-2030.

If you consider this response to be a denial of your request, you may administratively appeal by writing to the General Counsel, U.S. Postal Service, 475 L'Enfant Plaza SW, Washington DC 20260-1135, within 30 days of the date of this letter. The letter of appeal should include a statement about the action or failure to act being appealed, the reasons why it is believed to be erroneous, and the relief sought, along with copies of your original request, this letter, and any other related correspondence. Please reference FOIA Case No. 2014-FPRO-00046.

We note that you have requested a fee waiver due to the public interest. You state in your letter that the documents will be made available to the general public free of charge as part of the public information service at MuckRock.com, processed by a representative of the news media/press and is made in the process of news gathering and not for commercial usage.

With respect to your fee waiver request, although you submitted your request through MuckRock.com, a website which serves as a request proxy, you have not demonstrated how you are actively gathering news for an entity that disseminates news to the public. Should you choose to modify your FOIA request, your fee waiver request must describe all of the following: how the information will be used; to whom it will be provided, including the public; how the public is to benefit from the disclosure; any personal or commercial benefit that the requester expects from disclosure; and your identity, qualifications, and expertise in the subject area.

Absent the required information to consider a fee waiver request, we will consider that you are within the category of "other requesters" as defined by Postal Service FOIA fee regulations. This category applies to requesters who are not commercial use requesters, educational or scientific requesters, or news media requesters. Requests in the "other" category are entitled to two free hours of search time and 100 pages of free duplication. Fees totaling less than \$10 are waived. Requesters are notified in advance of all costs expected to exceed \$25.00 if they have not indicated their willingness to accept costs that may be incurred in processing their request.

Thank you for your interest in the Postal Service

Sincerely,

*Nancy P. Chavannes-Battle*

Nancy P. Chavannes-Battle  
Consumer Research Analyst